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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,446	11/24/2003	Aldo Banova	4333P2733	7875

23504 7590 11/16/2004

WEISS & MOY PC
4204 NORTH BROWN AVENUE
SCOTTSDALE, AZ 85251

EXAMINER

CHAPMAN, JEANETTE E

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/743,446	Applicant(s) BANOVA, ALDO	
	Examiner Chapman E Jeanette	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-11,16 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 2,4,5,12,14,15,17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/24/04</u> | 6) <input checked="" type="checkbox"/> Other: <u>PATENT DRAWINGS w/ANNOTATIONS</u> |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3, 6-11,13,16,21 are rejected under 35 U.S.C. 102(b) as being anticipated by Habegger (4124961). Habegger discloses a plurality of masonry articles comprising in combination:

- First and second headers for each masonry article, corner article and alternative corner article; see figures 5 and 12 and annotations on patent copy;
- Each First header includes a first and second projecting portion 44 and an end recessed portion 22'; the end recessed portion is located between the first and second projecting portion;
- The second header comprising
 - First opposite projecting portion
 - Second opposite projecting portion
 - First inner recessed portion
 - Second inner recessed portion;
- A contoured portion of the first header mates with a contoured portion of the second header of another block; see figures 5 and 7-12;

Art Unit: 3635

- A contoured portion of the second header of each plurality of masonry articles, the corner article and the alternative corner article each coupling to a portion of one other first head of another article; an outward face of a portion of a wall is assembled with a plurality of articles and has a mortar like vertically and horizontally oriented gaps 36 and 56';
- The plurality of masonry articles, corner and alternative articles when assembled provide a portion of the wall having a contoured front face;
- The plurality of masonry articles, the corner and alternative corner articles when assembled provide a portion of the wall having a lower base and a contoured upper base; see annotations on patent copy;
- the contoured front face of the masonry article, the corner portion and the alternative corner portion having an elevated portion adjacent to an indented portion; the indented portion extending from an end of the first header to the elevated portion to present a mortar like vertically and horizontal gap oriented gaps 36 and 56; see figure 12;
- the distance between each of the masonry articles, corner and alternative articles adjacently coupled to the other masonry articles and is selectively adjustable to accommodate variations in length of a course of the articles of the portion of the wall;
- corner masonry articles 62 and alternative masonry articles 66; the masonry articles 10, the corner masonry articles 62 and the alternative masonry articles 66' together provide contoured shape so the outward

Art Unit: 3635

face of the wall ,figure 12 assembled with the above three provide the appearance of mortar like horizontal and vertical gaps 36 and 56;

- the contoured upper portion mates with the lower base of another masonry article, corner article and alternative corner article;
- first and second corner head portions; the first corner head portion coupling to a second head of the masonry articles; the second corner head portion coupling to the first head portion of another masonry article so that the outer face of the corner portion assembled with a plurality of corner masonry articles and corner articles has a mortar like appearance with vertical gaps and a front face;

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Habegger in view of Rassias (4319440). Rassias discloses the upper base comprises a channel extending from horizontally from the first header to the second header; when a portion of the lower base couples to a portion of the upper base the channel providing an opening, the opening is capable of accommodating an horizontally oriented reinforcing rod and is capable of accommodating mortar as shown by Rassias et al; Rassias also shows masonry articles with holes extending from the upper base to the

Art Unit: 3635

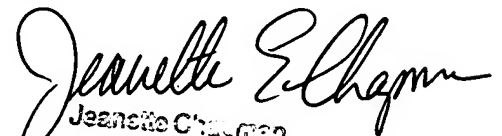
lower base; each of the holes for accommodating vertically oriented reinforcing rod within of said plurality of holes and for accommodating mortar within each of the holes. It would have been obvious to include the rebars, the holes and accompanying mortar fashioned as claimed and shown by Rassias in order to reinforce and strengthen the entire wall constructed of the masonry article.

Claim 2 and 4-5, 12, 14-15, 17-18 are objected to as depending upon a rejected base claim but would be considered as allowable if amended to include the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 703-308-1310. The examiner can normally be reached on Mon.-Fri, 8:30-6:00, every other fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeanette E. Chapman
Primary Examiner

PATENT DRAWING W/ANNOTATIONS

U.S. Patent

Nov. 14, 1978

Sheet 2 of 7

4,124,961

